GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

The Andhra Pradesh Farmers Organisation Rules, 1997 – Amendments to Rules – Notification – Orders – Issued.

WATER RESOURCES (CADA) DEPARTMENT

G.O.MS.No. 17 **Dated: 08-02-2019.**
Read the following:-

1. G.O.Ms No 541, Irrigation & Command Area Development (CAD.IV) , dated: 27-12-1997.
2. G.O.Ms No. 21, I&CAD (CAD.IV) Department, dated 30-01-1999.
3. G.O.Ms No. 46, I&CAD (General) Department, dated 24-02-2007.
4. G.O.Ms No. 53, I&CAD (General. IV) Department dated 11-04-2008.
5. G.O.Ms No.272,I&CAD (General .IV) Department dated 23-10-2009.
6. G.O.Ms No. 21, I&CAD (General.IV.1) Department dated 5-03-2010.
7. From the Commissioner, CADA, Water Resources Department, Vijayawada, Lr.No:COM/CAD/APFMIS Act/Amendments, dt.12.04.2018 and 22.05.2018.

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ORDER:

The following Notification shall be published in an Extra-Ordinary Issue of the Andhra Pradesh Gazette:

2. The Commissioner, CADA, Water Resources Department, Vijayawada shall take further necessary action accordingly.

3. This order issues with the concurrence of Finance (FMU-WR.I) Department vide their U.O.No.47027/586/FMU-WR.I/2016, (Computer No.156191), dated:08.10.2018.

Notification

In exercise of the powers conferred by section 43, read with sections 2,3,4,6,8,12,14,15,17,18,21,22,24,25,28 & 38 of the Andhra Pradesh Farmers Management of Irrigation Systems Act, 1997 (Act 11 of 1997) the Governor of Andhra Pradesh hereby makes the following amendments to the Andhra Pradesh Farmers Organisation Rules, 1997 issued in G.O.Ms No 541, Irrigation & Command Area Development (CAD.IV) Department, dated:27-12-1997 and as subsequently amended from time to time.

AMENDMENTS

In the said Rules

I. In Rule 2, after clause (ii), the following clause shall be added namely,-

(iii) "Commissioner means an Officer appointed by the Government as Commissioner, Command Area Development Authority".

II. In Rule 4,-

(1) In sub-rule (i), after the words 'rights of members', the word "shall" and before the words 'democratic manner', the word "a" shall be inserted.

(2) for sub-rule (iii) the following shall be substituted namely,-

(iii) "To assist the Water Resources Department in effective Water management with the objective of equitable distribution of water in the entire command with special focus on supplying water to farmers at the tail end areas."

(3) for sub-rule (iv) the following shall be substituted namely,-

(iv) "To assist the Water Resources Department for the upkeep of the Irrigation Systems and protecting them against any damages and to assist the Government in collection of water tax and dues, make prudent investment of their resources."

(4) for sub-rule (v) the following shall be substituted namely,-

(v) "To motivate all the stake holders for achieving the objectives of Participatory Irrigation Management."

III. In Rule 5 for sub-rule (ii), the following shall be substituted namely,-

(ii) "To assist Water Resources department for distribution among the water users on agreed terms of equity and social justice."

IV. In sub-rule (vii) of Rule 6, – for the word 'Irrigation' the words "Water Resources" shall be substituted.

V. In Rule 7, -

(1). for the heading 'Rights of Members', the heading "RIGHTS OF MEMBER USERS" shall be substituted.

(2) In sub-rule (iv), - the words "and without causing adverse effect to the crops of other farmers" shall be added at the end.

VI. In Rule 8, -

(1) for the heading 'Responsibility of Individual Water Users' the heading "RESPONSIBILITY OF MEMBER USERS" shall be substituted.

(2) In sub-heading, for the words 'individual water user' the words "member users" shall be substituted.

(3) In sub-rule (x), - after the word 'fees', the words "water tax" shall be inserted.

VII. In sub-rule (2) in Rule 9, for the word “authority” the word “authorities” shall be substituted and after the words ‘Competent Authority’, the word “(Engineering)” shall be inserted.

VIII. In Rule 10,-

(1) In sub-rule (1), the words “as the case may be” shall be added at the end.

(2) In sub-rule (3), (a) after the word ‘shall’, the word “also” and, after the word ‘Commissioner’, the words ‘Command Area Development’, shall be omitted and, (b) the words “and for any specific purpose” shall be added at the end.

IX. In sub-rule (1) of Rule 13, the words “and to the concerned Executive Engineer in respect of Water Users Association in Minor Irrigation Systems” shall be added at the end.

X. In Rule 14, -

(1) for the heading ‘Power of General Body’, the heading “POWERS AND FUNCTIONS OF GENERAL BODY OF FARMERS ORGANISATION” shall be substituted.
(2) In sub-heading, for the word ‘powers’, the words “powers and functions” shall be substituted.
(3) After the sub-rule (1), the following new sub-rule shall be inserted namely,- (1A) “to identify their Representatives by convening meetings as per the directions of the Government (or) Commissioner”.
(4) In sub-rule (4), the words “as per the directions of the Government (or) Commissioner,” shall be added at the end.
(5) sub-rule (11) shall be omitted.
(6) In sub-rule (12) now read as sub-rule (11), after the words ‘time to time’ the words “by the Government (or) Commissioner,” shall be added.

XI. In Rule 15, -

(1) for the heading ‘Managing Committee’, the heading “COMPOSITION AND FUNCTIONS OF MANAGING COMMITTEE” shall be substituted.

(2) In sub-heading, for the word ‘quorum’, the word “functions” shall be substituted.

(3) In sub-rule (1), before the words ‘in respect of Water Users Association’, the words “of Territorial Constituencies” shall be inserted.

(4) In sub-rule (2), for the words 'if it so requires' the words "if it is so required" shall be substituted.

(5) In sub-rule (4), the words "as the case may be" shall be added at the end.

(6) In sub-rule (5), the words "and to the concerned Executive Engineer in respect of Water Users Associations in Minor Irrigation Systems" shall be added at the end.

(7) In sub-rule (7), for the words 'for one day', the words "to a date and time not later than three days" shall be substituted.

XII. In Rule 16, -

(1) In sub-rule (4), after the words 'Administrative Sanction', the words "as per the orders given by the Government from time to time and" shall be inserted.

(2) In sub-rule (9), after the words 'execution of works' the words "as per Orders issued by the Government (or) Commissioner from time to time" shall be added.

(3) sub-rule (10) shall be omitted.

(4) In the sub-rule (13), after the word 'Organisation', the words "when the post of President or Vice-President falls vacant" shall be added.

(5) In sub-rule (17), for the word 'Irrigation', the words "Water Resources" shall be substituted.

(6) In sub-rule (18), the words "as per directions of the Government (or) Commissioner" shall be added at the end.

XIII. In sub-rule (7) of Rule17, after the word 'accounts' the words "of Farmers Organization" shall be inserted.

XIV. In sub-rule 1(iii) (b) of Rule 17C, for the word 'elected', the words "selected in the manner prescribed" shall be substituted.

XV. In Rule 17D i.e., under the sub-heading 'time limit for settlement for disputes, for the word 'Fifteen', the word "thirty" shall be substituted.

XVI. In sub-rule (5) of Rule 17E i.e., under the sub-heading 'time limit for settlement of appeals, for the word 'fifteen', the word "thirty" shall be substituted.

XVII. In Rule 17G, -

(1) In sub-rule 1(c), after the word 'Commissioner', the words 'Command Area Development', shall be omitted and after the words 'jurisdiction under', the word "Section" shall be inserted.
(2) In sub-rules 2(b) and 2(c), after the word 'Commissioner', the words 'Command Area Development' shall be omitted.

XVIII. In Rule 17H, -

(1) sub-rule (1) shall be omitted.
(2) In sub-rule (2), after the words 'arrangements are made', the words 'under sub-rule (1)' and also after the words 'exercise powers and', the word 'to' shall be omitted.
(3) In sub-rule 2(c), for the words 'Project Committees are' the words "Project Committee is" shall be substituted.
(4) The following sub-rule shall be added as Sl.No.2, "While exercising the powers under section 34 of the Act, the outgoing President or Chairman of the Farmers Organisation and other members having no arrears of water tax payable to Government, who took lot of initiative in water regulation and provided good leadership in discharging their functions in their tenure may be considered for appointment.

XIX. In Rule 18,-

(1) In the sub-heading, for the words 'Sub-Committee', the words "Sub-Committees" shall be substituted.

(2) In sub-rule (2)(iv), the words "out of four one may be woman preferably" shall be added at the end.

(3) In sub-rule 4(i)(c), the word 'the' and the word 'on' shall be inserted before and after the words 'Managing Committee' respectively.

(4) The following clause shall be added in sub-rule (4) (iii) (g) "The Vice-Chairman/ Vice-President shall be the Convener of this Sub-Committee under Rule 17A".

XX. In Rule 19,-

(1) for sub-rule (3) (b), the following shall be substituted namely,-
"A Farmers Organization shall take up the normal Operation &Maintenance and deferred maintenance works i.e., regular works costing upto Rs. 5.00 lakhs or as per the limit prescribed by the Government from time to time and the works shall be executed by the Farmers Organisations under the supervision of the Water Resources Department at the rates not exceeding the estimate rates. The works costing above Rs. 5.00 lakhs or the limit prescribed by the Government are to be entrusted by the Department duly calling tenders".

(2) In sub-rule (6), for the word 'Irrigation', the words "Water Resources" shall be substituted.
(3) In sub-rule 19(6)(i), for the words 'plan and non-plan', the words "Capital and Revenue" shall be substituted.
(4) In sub-rule 19(8), for the words 'Technical clearance'', the words "Technical Sanction" shall be substituted.
(5) In sub-rule 19(9)(d), for the word 'Irrigation', the words "Water Resources" shall be substituted.
(6) In sub-rule (9)(f), after the words 'costing up to Rs 5.00 lakhs' the words " or the limit as prescribed by the Government from time to time" shall be inserted, After the words 'Farmers Organisation shall', the word "also" shall be inserted. And the words 'the Users groups or Ayacutdar Committees. If none of them come forward for execution of the same, then the works shall be completed by' shall be omitted. And also for the words 'applicable to works executed by the Irrigation Department' the words "in vogue" shall be substituted.
(7) In sub-rule (10), after the words 'ensure', the word "strictly" shall be inserted.
(8) In sub-rule (11), after the words 'Section 23' the words "and also prosecution under Section 24" shall be inserted.
(9) In sub-rule (15), for the expression 'Rs 1,000/-', the expression "Rs 10,000/-" shall be substituted.

XXI. In sub-rule (vi) of Rule 20, for the words 'in the Apex committee and to the Government', the words "to the Commissioner" shall be substituted.

XXII. In Rule 21, -

(1) In sub-rule (1)(vii), for the word 'supply', the word "supplied" shall be substituted.
(2) In sub-rule (1) (ix), for the word 'tank', the word "System" shall be substituted.

XXIII. In Rule 23, -

(1) In sub-rule (1), before the words 'Cooperative Bank', the word "Government" shall be added.
(2) In sub-rule (2), for the word 'anybody', the words "any member of the Managing Committee" shall be substituted.

XXIV. In Rule 24, the words 'An up to date copy of the Act / rules/ directions and orders of Commissioner / Government' shall be omitted.

XXV. In Rule 25, -

(1) In sub-rule (2)(ii), the words "under this rule" shall be added at the end.

After the words 'decide', the word "on" and after the words, 'the levy', the word "of" shall be inserted. Also for the word 'in', the word

"send" shall be substituted and after the words 'demand notice'; the words "for the same in Form (to be Prescribed)" shall be omitted.

(2) In sub-rule 25 (4)(a), for the words 'to be prepared as specified in Form (to be Prescribed)' the words "which shall be furnished to the Tahsildar of the area in whose jurisdiction the area of operation of a Farmers Organisation lies for recovery under Section 30 of the Act" shall be substituted.

(3) sub-rule (4) (b) shall be omitted.

XXVI. In sub-rule (1) (vii) of Rule 26, for the expression 'Rs 10.00 lakhs' the expression "Rs. 20.00 lakhs" shall be substituted.

XXVII. In Rule 27,-

(1) In sub-rule (1), for the words 'Farmers Organisation' the words "Competent Authority" shall be substituted. And "offences shall be booked in Preliminary Offence Report in Form XI" by the Competent Authority" shall be added at the end.

(2) In sub-rule 27 (2), for the words "The President /Chairman of the FO or his nominees" the words "Competent Authority" shall be substituted.

(3) The sub-rule (4) shall be omitted.

(4) In sub-rule (5), after the words ' beyond doubt', the words "the Officer not below the rank of Dy. Executive Engineer having jurisdiction over the area in Form XII," shall be inserted. And for the words 'recover it', the words "get it recovered" shall be substituted respectively.

(5) In sub-rule (8), for the words "more than Rs.1,000/-a complaint shall be lodged with the concerned authority as per Section 20 of Cr.P.C. 1973 for legal action", the words, "more than Rs.10,000/-, the individual (or) group of individuals who indulged in causing damages, alterations (or) obstructions in any Irrigation System is / are liable for prosecution under Section 24 of the Act. In such cases, an officer not below the rank of Executive Engineer having jurisdiction over the area is authorized to initiate prosecution against the individual / individuals" shall be substituted.

(6) The sub-rule (9) shall be omitted.

XXVIII. In Rule 28,-

(1) In sub-rule (1), the words "He is the custodian of all the vital records and Registers of the Government and also in charge of all the Structures and Irrigation Systems in his jurisdiction" shall be added at the end.

(2) In sub-rule (3), for the word 'Irrigation' the words "Water Resources" shall be substituted and the words "from time to

time and also obtain approval for action plan from CAD Committee" shall be added at the end.

(3) The following new sub-rule shall be added namely,- (a) "The Competent Authority is primarily responsible for proper upkeep of the Irrigation structures & orderly Water Regulation".

(4) In sub-rule (4), for the words 'accord technical clearance' the words "to accord or obtain Technical Sanction from the officer Competent" and for the word 'clearance', the word "Sanction" shall be substituted respectively.

(5) In sub-rule (6), for the words "irrigation department (ID)" the words "higher authorities of Water Resources Department" shall be substituted. Also before the word "Act", the words "Sections 23, 24 and 25 of the" shall be inserted and the words "as the case may be for the damages caused and also take immediate action for its restoration" shall be added at the end.

(6) In sub-rule (7), after the words "the system" the words "and guidance" shall be inserted.

(7) sub-rules from (8) to (13) are omitted.

(8) The existing sub-rule (14) shall be read as sub-rule (8) and after the said sub-rule (8), the following sub-rule is added as 28 (9), "to conduct recall proceedings of a Chairman or Vice-Chairman or President or Vice-President or member of Managing Committee of Farmers Organisation."

XXIX. After Rule 28, the following new rule shall be added namely,-

"Competent Authority (Engineering)

28A The following officers shall be Competent Authority (Engineering) for different tiers of Farmers Organisation

(1) Water Users Association level: Officer of the rank of Assistant Executive Engineer (AEE) or Assistant Engineer (AE) shall be the Competent Authority (Engineering) for Water Users Associations as notified by the Government.

(2) Distributory Committee level: Officer of the rank of Deputy Executive Engineer (DEE) shall be the Competent Authority (Engineering) for Distributory Committee (DC) of Major Irrigation Project as notified by the Government

(3) Project Committee level: Officer of the rank of Executive Engineer (EE) shall be the Competent Authority (Engineering) for Project Committee (PC) of Medium Irrigation Project as notified by the Government

Officer of the rank of Superintending Engineer (SE) shall be the Competent Authority (Engineering) for Project Committee (PC) of Major Irrigation Project as notified by the Government."

XXX. In Rule 28 B,-

1. In sub-rule (7), for the word 'Irrigation', the words "Water Resources" shall be substituted.

2. In sub-rule (9), for the word 'Statistical Assistant', the words "Assistant Statistical Officer" shall be substituted and for the words 'Mandal Revenue Office' the words "office of the Tahsildar" shall be substituted.

XXXI. In sub-rule (3) in Rule 29, for the word "Form 'D' the word "Form 'B' shall be substituted and for the words 'a list of water users' the words "other water users such as industrial units, bathing ghats, fishermen societies and such other categories" shall be substituted. For the words "a Form which shall be prescribed" the word "Form 'C' shall be substituted.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHASHI BHUSHAN KUMAR
SECRETARY TO GOVERNMENT

To
The Commissioner, CADA, Water Resources Department,
Hanuman pet, Vijayawada.

Copy to:

The Commissioner, Printing, Stationery & Stores purchase,(printing wing)
Vijayawada(with a request to publish in the A.P. Gazette and supply
500 copies to this Department).
The Accountant General, A.P., Vijayawada.
The Director of Works Accounts, Ibrahimpatnam, Vijayawada
The Engineer-in-Chief (Irrigation), Water Resources Dept., Vijayawada.
The Engineer-in-Chief (IW/AW), Water Resources Dept., Vijayawada.
All Chief Engineers of I&CAD Department thro' Commissioner, CADA, Vijayawada.
The Special Chief Secretary and Chief Commissioner of Land
Administration, Vijayawada.
The Commissioner, Agriculture Department, Vijayawada.
All District Collectors thro' Commissioner, CADA, Vijayawada.
The Law (A) Department.
The Finance(FMU-W.R.I)Department.
The Revenue Department.
The General Administration Department.
PS to Principal Secretary to Hon'ble Chief Minister.
PS to Hon'ble Minister, Water Resources Department.
PS to the Secretary, Water Resources Department.
SF/SCs

//FORWARDED::BY ORDER//

SECTION OFFICER

FORM “XI”
[See rule 27(1) of AP Farmers Organization Rules]

PRELIMENARY OFFENCES REPORT

(Under Section 23 of APFMIS Act 1997)

1	Name and address of the person(s) who committed offence	:	
2	Nature of offence	:	
3	Place where offence occurred	:	
4	Estimated value of the damage caused by offence	:	
5	Name and address of the witness	:	

Signature of the witness

Signature of the accused.

Signature of the Competent Authority

FORM “XII”
[See rule 27(5) of AP Farmers Organization Rules]

COMPOSITION FORM

(under Section 25 of APFMIS Act 1997)

1	Name and address of the person(s) who committed offence	:	
2	Nature of offence	:	
3	Place where offence occurred	:	
4	Estimated value of the damage caused by offence	:	
5	Whether notice served to the accused giving opportunity (i.e., within 7 days) to explain his point of view, if so the date and time.	:	
6	Whether explanation of the accused received	:	
7	Decision of the Competent Authority	:	
8	Whether offence proved beyond doubt, if so the details	:	
9	Fine imposed by the Deputy Executive Engineer Recommended to the next higher for prosecution.	:	

Signature of Deputy Executive Engineer

[See Rule 27(8)]

PROCEEDINGS OF THE EXECUTIVE ENGINEER,…….

Proc. No……. Dt. ……

Sub:-

Ref:-

ORDER:

The Competent Authority (Assistant Executive Engineer) and (Deputy Executive Engineer) have submitted the preliminary offence report / fine imposed report for the damages caused by the accused and recommended for prosecution under the provisions of the Act.

Under Section 24 of the APFMIS Act, 1997 (Act 11 of 1997) and Rule 27(7) of Andhra Pradesh Farmers Organization Rule, 1997, the accused is punishable under penal provisions of the Act. In the circumstances explained by the Competent Authority (Deputy Executive Engineer) in the reference cited the following accused are hereby ordered to be prosecuted.

1. Sri./Smt……..
2. ……
3. ……

The Deputy Executive Engineer is requested to file the charge sheet in the Hon,ble Judicial first class Magistrate Court, …….. immediately and report compliance.

Executive Engineer,

……

To
The Dy. Executive Engineer,
……Sub-Division
……Village.